

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 OMB-01 DRC-01 /091 W
----- 103192

R 210337Z JUN 74

FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 4448
INFO AMEMBASSY TOKYO
CINCPAC

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E.O. 11652: N/A

TAGS: PINT, KS

SUBJ: KIM TAE CHUNG CASE

REF: SEOUL 3743

1. AT THIRD SESSION OF CURRENT KIM TAE-CHUNG TRIAL SERIES JUNE 19 JUDGE RULED ON ADMISSIBILITY OF EVIDENCE AND WITNESSES AND SET NEXT SESSION FOR JUNE 29.
2. PROSECUTOR REQUESTED 171 WITNESSES, OF WHOM 160 WERE TO TESTIFY ON CONTENTS OF KIM'S 1976 AND 1971 SPEECHES. DEFENSE ASKED FOR 15. RESPONDING TO DEFENSE COMPLAINT THAT TESTIMONY BY 186 WITNESSES WOULD DRAG OUT TRIAL INDEFINITELY, PROSECUTOR AGREED TO DELETE THOSE WITNESSES LINED UP TO TESTIFY ON SPEECH CONTENTS, PROVIDED JUDGES AND DEFENSE WOULD ACCEPT TWENTY TAPE RECORDINGS OF KIM SPEECHES AS EVIDENCE IN LIEU OF TESTIMONY. DEFENSE ASKED TO HEAR TAPES BEFORE DECIDING. SENIOR PRESIDING JUDGE CONCURRED AND ORDERED PROSECUTORS, DEFENSE LAWYERS AND KIM TAE-CHUNG TO LISTEN TO TAPES IN JUDGES' CHAMBERS ON JUNE 24, 25 AND 27.
3. PROSECUTOR CROSS-EXAMINED KIM TAE-CHUNG A SECOND TIME AND, IN JUDGEMENT OF EMBASSY FSL WHO OBSERVED, WEAKENED KIM'S DEFENSE.

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FOR EXAMPLE, KIM'S ANSWER TO CHARGE THAT HE FALSELY ACCUSED GOVT

OF RIGGING 1971 PRESIDENTIAL ELECTION WAS THAT HE HAD BASED ACCUSATION ON AN OFFICIAL NEW DEMOCRATIC PARTY (NDP) PUBLICATION. HOWEVER, PROSECUTOR POINTED OUT THAT NDP PUBLICATION WAS ISSUED TWO DAYS AFTER PRESS CONFERENCE AT WHICH KIM SPOKE OF RIGGING. PROSECUTOR THEN INTRODUCED A SIGNED STATEMENT DATED 1971 IN WHICH KIM TAE-CHUNG ADMITTED DELIBERATELY EXAGGERATING THE SCALE OF ALLEGED RIGGING. IN THE STATEMENT, KIM SAID HE HAD CALCULATED RIGGING AT 600,000 VOTES, THEN DOUBLED THE FIGURE FOR EFFECT. KIM APPEARED SURPRISED BY THIS EVIDENCE AND PROFESSED THAT HE COULD NOT RECALL WHETHER CONTENT OF SIGNED STATEMENT WAS TRUE OR NOT.

4. ATTEMPTING FURTHER TO SUBSTANTIATE CHARGE THAT KIM'S PREMATURE ELECTIONEERING IN 1971 WAS WILLFUL, PROSECUTOR POINTED OUT THAT KIM CONTINUED TO GIVE SPEECHES EVEN AFTER DRP HAD ACCUSED HIM OF VIOLATING STATUTORY LIMIT ON CAMPAIGNING. KIM COUNTERED THAT ELECTION MANAGEMENT COMMITTEE SHOULD HAVE WARNED HIM IF HIS ACTIONS CONSTITUTED A VIOLATION.

5. IN FURTHER QUESTIONING ON KIM'S CAMPAIGN CHARGE THAT GOVT WAS PLOTTING A "GENERALISSIMO SYSTEM," KIM GAVE ADDITIONAL BACKGROUND TO SHOW THAT HE MADE THE STATEMENT IN GOOD FAITH. HE SAID HIS SOURCES WERE MUN CHAE-CHUN, 1961 COUP PARTICIPANT TURNED OPPOSITION; FORMER SEOUL UNIVERSITY PRESIDENT YU KI-CH'ON (PAUL YU); AND DR. YU CHIN-O.

6. LIST OF PROSECUTION WITNESSES INCLUDES FORMER GOVT PARTY LEADERS PAEK NAM-OK AND KIL CHAE-HO; OPPOSITION ASSEMBLYMAN SONG WON-YONG; AND AN TU-HUI, CONVICTED ASSASSIN OF KIM KU. LIST OF DEFENSE WITNESSES INCLUDES FORMER ROK PRESIDENT YUN PO-SON, OPPOSITION ASSEMBLYMEN CHONG IL-HYONG AND CHONG HAE-YONG, AND JAILED FORMER ASSEMBLYMEN KIM SANG-HYON AND CHO YUN-HYONG.

7. NEWSPAPERS REPORTED JUDGES' TENTATIVE APPROVAL OF 186 WITNESSES, STRESSING THAT SUCH A LARGE NUMBER WAS UNPRECEDENTED IN KOREAN JURISPRUDENCE. HOWEVER, NEWS STORIES OMITTED AGREEMENT TO HEAR TAPE RECORDINGS. TONGA RADIO NEWS REPORT OF TRIAL ESTIMATED THERE WERE ABOUT 500 SPECTATORS. HOWEVER, EMBASSY FSL DISAGREED AND SAID CROWD WAS SMALLER THAN LAST WEEK WHEN HE ESTIMATED 400. ALSO REPORTED THAT THERE WAS NO APPLAUSE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, POLITICAL LEADERS, TRIALS, ELECTION FRAUD, PUBLIC ATTITUDES, SPEECHES, RECORDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SEOUL03998
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740162-0864
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740624/aaaaaucq.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: SEOUL 3743
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 30 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 JUL 2002 by shawdg>; APPROVED <20 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: : KIM TAE CHUNG CASE
TAGS: PINT, KS, (KIM TAE-CHUNG)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005